

NOT FOR PUBLICATION

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

Charles NOVINS, Esq., P.C., and Charles NOVINS, personally,

Plaintiffs,

Civ. No. 09-5354

v.

Kevin A. CANNON, et al.,

Defendants.

OPINION & ORDER

THOMPSON, U.S.D.J.

This matter has come before the Court upon Defendant and Counter-claimant Vincent Lamb's Motion to Enter Default as to Plaintiff Charles Novins, individually, and to Enter Default Judgment as to Plaintiffs Charles Novins, Esq., P.C., and Charles Novins, individually, or, in the alternative, for Partial Summary Judgment [docket # 62]. Lamb has also filed a Motion in Limine to qualify himself as an expert witness [75]. Plaintiffs have opposed these motions and have cross-moved for summary judgment [77].

Summary judgment is appropriate if the record shows "that there is no genuine issue as to any material fact and that the movant is entitled to judgment as a matter of law." Fed. R. Civ. P. 56(c); *Celotex Corp. v. Catrett*, 477 U.S. 317, 322 (1986). Because the Court finds that genuine issues of material fact remain as to Defendant Lamb's counterclaims, we will deny summary judgment.

With respect to Lamb's motion in limine to qualify himself an expert witness, the Court will defer consideration of this issue so that it can be determined within the context of the trial.

Accordingly, IT IS on this 29th day of April, 2011,

ORDERED that Defendant Lamb's Motion to Enter Default and Default Judgment or, in the alternative, for Summary Judgment [62] is DENIED; and it is further ORDERED that Plaintiff Novins' Cross-Motion for Summary Judgment [77] is DENIED; and it is further ORDERED that Defendant Lamb's Motion in Limine [75] is DENIED without prejudice.

/s/ Anne E. Thompson
ANNE E. THOMPSON, U.S.D.J.